

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Henry S. Scruggs,

Petitioner,

v.

Case No. 1:07cv659

Warden,
Lake Erie Correctional Institution,

Judge Michael R. Barrett

Respondent.

ORDER

Before the Court is the October 24, 2008 Magistrate Judge's Report and Recommendation ("R&R") (Doc. 28) regarding Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1)

The parties were given proper notice, pursuant to 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Petitioner filed timely objections to the R&R. (Doc. 29) On November 12, 2008, the Magistrate Judge subsequently filed a Supplemental R&R. (Doc. 30) Petitioner did not file any objections to the Supplemental R&R.

Upon *de novo* review of this matter, pursuant to 28 U.S.C. § 636, the Court finds no error in the Magistrate Judge's Supplemental R&R. Accordingly, the November 12, 2008 Supplemental R&R (Doc. 30) is hereby **ADOPTED**.

The Court **DISMISSES WITH PREJUDICE** Petitioner's petition for writ of habeas corpus. Petitioner is hereby **DENIED** any leave to appeal *in forma pauperis* and any

requested certificate of appealability.

IT IS SO ORDERED.

/s/ Michael R. Barrett .
Michael R. Barrett, Judge
United States District Court